

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THE STATE OF MISSOURI,
et al.

Plaintiffs,

v.

JOSEPH R. BIDEN, JR.;
et al.

Defendants.

No. 4:21-cv-01300-DDN

**PLAINTIFFS’ MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT FOR ITS
PRELIMINARY INJUNCTION AND MEMORANDUM IN SUPPORT**

Under Local Rule 4.01(D), Plaintiffs the States of Missouri, Nebraska, Alaska, Arkansas, Iowa, Montana, New Hampshire, North Dakota, South Dakota, and Wyoming (the Plaintiff States) may file “any motion, memorandum, or brief which exceeds fifteen (15) pages” with leave of the Court. The Plaintiff States respectfully request for such leave for its memorandum in support of its preliminary injunction motion (filed concurrently with this motion). Because the issues are complex and significant, such leave is appropriate.

This case involves the lawfulness of the federal contractor vaccine mandate. The Plaintiff States filed a twelve-count complaint, pointing out that the federal contractor vaccine mandate—which Defendants instituted under authority relating solely to federal procurement decisions—is unlawful, arbitrary and capricious, fails to comply with necessary procedural safeguards for promulgation of such rules, and is unconstitutional.

The issues raised in the Plaintiff States’ motion for preliminary injunction are complex and significant, and so they justify granting leave to exceed the 15-page limit. *See Monsanto Co. v. E.I. DuPont de Nemours & Co.*, 2012 WL 5397601, at *9 (E.D. Mo. Nov. 2, 2012) (“Recognizing

the complexity of the action and the significance of the issues involved, this Court granted Pioneer's request for a substantial expansion of the briefing page limitations."). They involve the proper construction of a rarely interpreted statute, and constitutional issues going to the heart of the federal-state relationship. Furthermore, in order to show their entitlement to a preliminary injunction, the Plaintiff States detail the numerous ways the federal contractor vaccine mandate inflicts irreparable injury on them, including, but not limited to, ways the mandate harms their economic, sovereign, and quasi-sovereign interests.

CONCLUSION

For those reasons, the Plaintiff States respectfully asks the Court for leave to exceed the page limit for their preliminary injunction motion and memorandum in support.

Dated: November 4, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on November 4, 2021, a true and correct copy of the foregoing and any attachments were filed electronically through the Court's CM/ECF system, to be served on counsel for all parties by operation of the Court's electronic filing system and to be served on those parties that have not appeared who will be served in accordance with the Federal Rules of Civil Procedure by mail or other means agreed to by the party.

/s/ Justin D. Smith